

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 3:08cr107 DPJ-LRA

FRANK E. MELTON, MICHAEL RECIO and  
MARCUS WRIGHT

ORDER

This case is before the Court, *sua sponte*, for the purpose of setting a status conference. Yesterday evening, it came to the Court's attention that Defendant Frank Melton has suffered health issues since the November 11, 2008 hearing that have required hospitalization. Although Defendant Melton has not moved for a continuance of the trial date, the Court finds it necessary to assess Defendant Melton's health in order to avoid potential problems once the jury is called.

Accordingly, this case is set for status conference on December 29, 2008 at 1:00 p.m. Defendant Melton is ordered to attend. The Court further orders the primary physician who is treating Defendant's current condition(s) to appear for questioning. Defendant Melton is instructed to identify and so inform the witness.<sup>1</sup> Defendant may bring additional physicians at his discretion. All healthcare providers who have treated Defendant Melton since November 11, 2008 are ordered to submit their records, under seal, to the Court's chambers in the James Eastland Building, 245 East Capitol St., Ste. 110, Jackson, Mississippi, no later than 10:00 a.m. on December 29. Defendant Melton is instructed to identify and inform all such healthcare providers. Counsel may review the records in the Court's chambers at that time. This production of documents notwithstanding, the Court finds that the parties should have as much

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<sup>1</sup> The Court recognizes the potential challenges presented by the holidays and will separately provide counsel with contact information should adjustments prove necessary.

time as possible (given the circumstances) to review the confidential medical records.

Accordingly, counsel for Defendant Melton is ordered to make his best efforts to obtain all such records by the end of this day and confidentially provide them (or any records they successfully obtain) to the Government via overnight delivery to an address designated by counsel for the Government. If such records are obtained at a later date but prior to the status conference, counsel for Defendant Melton is ordered to confer with the Government regarding production. The Court will inquire as to the efforts counsel makes. Finally, the content of the medical records will be kept strictly confidential, and access to the records is limited to counsel of record and medical consultants they may wish to engage. No other individuals shall be given access to the records absent further order of the Court. Finally, all copies of the records must be returned to the Court following the status conference.

**SO ORDERED AND ADJUDGED** this the 23<sup>th</sup> day of December, 2008.

*s/ Daniel P. Jordan III*  
UNITED STATES DISTRICT JUDGE